

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ITA No. 270 of 2006

Date of decision 18.9.2007

The Commissioner of Income Tax, Panchkula. ..Appellant

Versus

M/s Natraj Tyres (P) Ltd. Harnaul, Yamunanagar .. Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr Yogesh Putney, Advocate for the revenue
Mr. Pankaj Jain, Advocate for the assessee.

M.M.Kumar, J.

The revenue has filed the instant appeal under Section 260 A of the Income Tax Act, 1961 challenging order dated 18.7.2005 passed by the Income Tax Appellate Tribunal, Chandigarh Bench, "A", Chandigarh in ITA No. 589/Chandi/2003. It has been claimed that the following question of law would arise for the determination of this Court:

“ Whether in the facts and circumstances of the case the assessee can take advantage of inflated closing stock figures given to the Bank and at the same time disown the consequences for this assessment to income tax?”

At the outset, learned counsel for the assessee has placed reliance on a Division Bench judgement of this Court rendered in the case of The Commissioner of Income Tax, Panchkula v. M/s Chauhan Papers Pvt. Limited (ITA No.358 of 2006 decided on 12.10.2006) and submitted that a similar question of law, as raised in this appeal, has since been decided by the Division Bench in favour of the assessee and against the Revenue. As

the facts of the present case are similar to the case of M/s Chauhan Papers Pvt. Ltd. (supra) and therefore it has to meet the same fate. Accordingly the appeal fails and the same is dismissed.

(M.M.Kumar)
Judge

18 .9.2007
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(Ajay Kumar Mittal)
Judge